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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,873	12/29/2003	Michele Benedetti	161PDAL071BUS01	2821
7590	03/23/2005		EXAMINER	
William D. Bauer IPLM Group, P.A. P.O. Box 18455 Minneapolis, MN 55418			WALSH, DANIEL I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,873

Applicant(s)

BENEDETTI, MICHELE

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 9-12 is/are rejected.
- 7) ☐ Claim(s) 3-8 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Receipt is acknowledged of the IDS of 15 March 2004.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Re claim 1: Replace "sources having a reciprocally" with -- sources have a reciprocally--.

Re claim 1: Replace "impinging on said plurality of sensitive points point by point" with
-- impinging on said plurality of sensitive points, point by point, --

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koretsune et al. (US 6,501,087).

Re claim 1, Koretsune et al. teaches a method for reading a graphic pattern, comprising the steps of illuminating the graphic pattern with at least two groups of light sources, each of the at least two groups of light sources having at least one light source operating according to an illumination cycle that comprises an illumination cycle portion and a non-illumination cycle portion; wherein the light sources of the at least two groups of light sources are activated

according to equal illumination cycles, wherein the illumination cycles of the light sources belonging to different ones of the at least two groups of light sources have reciprocally different timing (FIG. 4B+). Koretsune et al. teaches gathering light from the light sources having been diffused by the graphic pattern on a sensor having a plurality of sensitive points (photodiode array 123). The photodiode array 123 converts the received light into electrical signals, but Koretsune et al. is silent to all points being converted at the same time. However, the Examiner maintains that the signals are converted at a same time, where the time is defined as the illuminating time of the graphic pattern/bill being read.

Re claim 2, Koretsune et al. teaches that the cycles are not timed and that cycles are equal to each other (FIG. 4B+). The Examiner has interpreted “timed” to mean “in synch”.

Re claim 9, comprising two groups of light sources has been discussed above (Fig. 4A+ and abstract).

Re claims 10-12, the illumination cycle portion of one/two groups corresponds to the non-portion of the other one/two/all groups (FIG 4A+), which shows all LEDs out of synch with each other (illumination portions do not overlap).

Allowable Subject Matter

4. Claims 3-8 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach that the conversion cycle includes an acquisition step and a non-

acquisition step, and the prior art also fails to teach the reciprocally different timing of the lights sources are variable. Such modification is not obvious to the Examiner, especially in light of the prior art teachings.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Barkan (US 6,824,060), Reasoner et al. (US 6,634,553), Roustaie (US 5,532,467), Nakazawa (US 5,528,022), Metlitsky et al. (US 5,258,605), Lum et al. (US 5,196,684), Hasegawa et al. (US 5,144,117), Hara et al. (US 4,516,017), Patel et al. (US 2005/0023352), Metlitsky et al. (US 5,545,886), PIVA et al. (US 2003/0080187), Bianchi (US 2002/0056754), Piva et al. (US 6,817,525), Benedetti (EP 1437676), Sun (US 6,133,580), Iwaki (US 5,050,387), Nakamura et al. (US 4,319,137), Knowles et al. (US 2004/0076969), and Roustaie (US 5,777,314).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

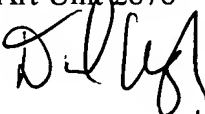
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh

Examiner

Art Unit 2876



Daniel Walsh